NOTIFICATION.

No. 6562—L.A. Bangalore, dated 19th March 1951.

As required by Standing Order 36 of the Legislative Assembly Standing Orders, the following report of the Select Committee on the Mysore Cultivation of Fallow Lands Bill, 1951, with the amended Bill is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION, MARCH-APRIL 1951.

Report of the Select Committee on the Mysore Cultivation of Fallow Lands Bill, 1951.

(Presented on 16th March 1951).

We, the members of the Select Committee to which the Mysore Cultivation of Fallow Lands Bill, 1951, was referred, have considered the several clauses of the Bill in detail and have the honour to submit the following report.

CLAUSE 1.

We recommend that sub-clause (3) may be recast as follows:—

"(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification."

We are of the opinion that the period of two years specified for the duration of this measure is too short and that this Act may be specified to be in force for a period of five years. We accordingly recommend that in sub-clause (4) for the words "two years" the words "five years" may be substituted.

CLAUSE 2.

We are of the view that approved crops to be notified by the Government may be different in different areas and it is necessary to provide for this in the definition of

"approved crop." We accordingly recommend that at the end of the definition of "approved crop" in sub-clause (2), the following words may be added :—

"in any area specified in such notification."

NEW DEFINITION.

We recommend that the definition of the word "prescribed" may be added and we accordingly recommend that a new sub-clause as sub-clause (7) may be added as follows :—

"(7) 'prescribed' means prescribed by rules under this Act."

CLAUSE 3.

As the exempted holdings of ten acres in the case of wet lands and fifteen acres in the case of dry lands set out in sub-clause (1) may require modification in certain areas, we recommend that a proviso may be added to sub-clause (1) as follows :—

"Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (*a*) or (*b*) in respect of any area specified in such notification."

We are of the view that the order of the Amildar should be subject to an appeal to the Sub-Division Officer and we accordingly recommend that a new sub-clause may be added as follows :—

"(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final."

NEW CLAUSE.

We are of the opinion that there should be provision in the Act for exemption in suitable cases from the operation of clause 3. We accordingly recommend that after clause 3 a new clause as clause 4 may be added as follows and the other clauses re-numbered suitably :—

"4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land—

(*a*) is needed by the holder for the purposes of grazing his own cattle; or

(*b*) cannot be cultivated by the holder for want of lessees or labourers ;

he may grant a certificate of exemption in respect of the whole or part of the area of fallow land required to be cultivated under section 3."

NEW CLAUSE.

We are of the opinion that where the holder of a land does not carry out the orders of an Amildar under clause 3 he should be liable to some penalty. We accordingly recommend that a new clause may be inserted in the Bill after clause 4 as recommended by the Committee and the other clauses suitably re-numbered.

"5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (*b*) of sub-section 6, and the said sum shall be recoverable as an arrear of land revenue."

CLAUSE 4 (RE-NUMBERED AS CLAUSE 6).

In para (*a*) of sub-clause (1), we recommend that the following words may be added :—

"and if the Amildar does not grant a certificate of exemption under section 4"

In sub-clause (1) for the words "three years" we recommend that the words "five years" may be substituted, as the lessee would require at least this time to cultivate the land and obtain adequate yield therefrom.

We are of the opinion that the lessee should be entitled to pay in kind or in cash according as the circumstances may require in each case and we accordingly recommend that for the words "on the bare assessment or on such terms as can be secured" in sub-clause (1) the words

"on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in any case not being less than the bare assessment or on such other terms as can be secured," may be substituted.

In order to make it clear that the liability of the lessee to pay rent shall be the rent specified in sub-clause (1) we recommend that after the words "liable to pay the rent" in sub-clause (2) the words "specified in sub-section (1)" may be inserted.

In view of the recommendation we are making for the addition of another clause as clause 7, we recommend that the following words may be added at the beginning of sub-clause (3):

"Subject to the provisions of section 7".

NEW CLAUSE.

After clause 6 as re-numbered we recommend that the following new clause be added in order to provide for cases where a lessee himself fails to cultivate the land leased to him and the other clauses re-numbered suitably:

"7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue."

We are of the opinion that the provisions of this Act should in the first instance be put into force only in those areas which have an assured rainfall or where there is an assured supply of water.

The Bill was published in the *Mysore Gazette*, Extraordinary, dated 12th January 1951.

In our opinion the Bill has not been so altered as to require republication.

T. Mariappa
H. B. Gundappa Gowda
Mali Mariyappa
G. Narayana Gowda
H. M. Mallikarjunappa
M. C. Venkateshan
K. H. Mudiappa
H. K. Veeranna Gowda
D. Govinda Das
T. Ramachar
S. Ranga Rao.

Sriyuts L. Siddappa, S. Kariappa, H. M. Channabasappa, S. Rangaramiah, Kadidal Manjappa, M. L. Nanjaraja Urs, were absent at the meeting of the Select Committee.

598

[AS AMENDED BY THE SELECT COMMITTEE.]

(Words underlined or side lined indicate the changes made by the Select Committee. Omissions are indicated by asterisks.)

THE MYSORE CULTIVATION OF FALLOW LANDS BILL, 1951.

A Bill to make provision for bringing fallow lands under cultivation in the State of Mysore.

WHEREAS it is expedient to make provision for bringing fallow lands under cultivation in the State of Mysore; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Mysore Cultivation of Fallow Lands Act, 1951. Short title, extent, commencement and duration.

(2) It extends to the whole of the State of Mysore.

(3) This section shall come into force at once, and the State Government may, from time to time, by notification in the *Mysore Gazette*, apply the other provisions of this Act to the whole or any portion of the State from such date and for such period, if any, as may be specified in the notification and may cancel or modify any such notification.

(4) This Act shall remain in force for a period of five years and upon its expiry, the provisions of section 6 of the Mysore General Clauses Act, 1899, shall be applicable as if it had been repealed by a Mysore Act.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) expressions not defined herein shall have the meanings assigned to them respectively in the Mysore Land Revenue Code, 1888;

(2) 'approved crop' means ragi, paddy or jola crop and includes such other crops as the State Government may, by notification in the *Mysore Gazette*, declare to be an approved crop in any area specified in such notification;

(3) 'fallow land' means cultivable land left uncultivated or land recorded as fallow, new or old in the village

accounts, and includes land recorded as grass land in consequence of its ceasing to be under cultivation for a period exceeding three years but does not include land recorded as Phutkharab or a tank or embankment or a nalah or a grove or used as a threshing floor;

(4) 'land' means land which is let or occupied for agricultural purposes or for purposes subservient thereto;

(5) 'occupied land' means land held by—

(*i*) a proprietor as a holder or land-holder or superior holder or occupant or registered occupant or *kadim* tenant, or

(*ii*) by a sub-tenant;

(6) 'occupier' means a person who is for the time being in possession of occupied land and is entitled to cultivate it, either by himself, or by his servants or by hired labour.

(7) 'prescribed' means prescribed by rules under this Act."

Cultivation of fallow lands.

3. (1) Subject to the provisions of sub-section (2) every holder of occupied land in excess of—

(*a*) ten acres in the case of wet lands, or

(*b*) fifteen acres in the case of dry lands,

in any revenue year shall, if so required by an order in writing of the Amildar, be liable to cultivate either himself or through a lessee, in addition to the area cultivated by him in the revenue year immediately preceding, such area as the Amildar may specify, of the fallow land recorded in his name in the village accounts of the said revenue year immediately preceding, and raise an approved crop thereon:

Provided that the State Government may, by notification in the *Mysore Gazette*, increase the acreage specified in clause (*a*) or (*b*) in respect of any area specified in such notification."

(2) For purposes of determining the area of fallow land to be cultivated under the provisions of sub-section (1),

(*a*) an area equal to one-tenth of the extent of the occupied land shall be deducted from the total area of the fallow land of the holder for ordinary grazing requirements of the holder;

(*b*) any fraction of less than half an acre shall not be taken into account.

(3) No order shall be made under the provisions of sub-section (1) unless an enquiry has been held by the Amildar for the purpose. In every enquiry for the said purpose, the Amildar shall, as far as may be, follow the procedure laid down in the Mysore Land Revenue Code, 1888, for conducting summary enquiries.

(4) An appeal shall lie to the Sub-Division Officer concerned from an order of the Amildar under sub-section (1) within fifteen days from the date of communication of the order of the Amildar to the holder of occupied land and the decision of the Sub-Division Officer on such appeal shall be final."

Application for exemption.

4. Any holder of occupied land may, before the expiry of the prescribed period apply to the Amildar for exemption from the provisions of section 3. If the Amildar on such enquiry as he deems fit is satisfied that the land—

(*a*) is needed by the holder for the purposes of grazing his own cattle; or

(*b*) cannot be cultivated by the holder for want of lessees or labourers;

he may grant a certificate of exemption in writing in respect of the whole or part of the area of fallow land required to be cultivated under section 3.

Penalty.

5. The holder of occupied land who does not carry out the directions contained in the order of the Amildar or of the Sub-Division Officer on appeal therefrom under section 3 shall be liable to pay such penalty not exceeding one year's assessment on the land in question as may be determined by the Amildar, unless the holder has obtained a certificate of exemption under the provisions of section 4 or has made an application as required by clause (*b*) of sub-section (1) of section 6, and the said sum shall be recoverable as an arrear of land revenue.

Power of Amildar to lease fallow lands.

6. (1) If any holder or occupier does not make suitable arrangements for the cultivation of the fallow land required to be cultivated under sub-section (1) of section 3,

(*a*) before the expiry of fifteen days from the date of order of the Amildar; and if the Amildar does not grant a certificate of exemption under section 4; or

(*b*) before fifteen days from the date of the order of the Amildar, an application in writing is made by a holder or occupier requesting the Amildar to arrange for a suitable lessee for the fallow land required to be cultivated by him under section 3,

the Amildar may let out for cultivation the whole or part of the area of the fallow land of such holder or occupier required to be cultivated under section 3 to any suitable lessee for a period not exceeding five years on the condition that the lessee shall pay as rent one-third of the produce in the case of wet lands and one-fourth in the case of dry lands and in case not being less than the bare assessment or on such other terms as can be secured.

(2) Every lease granted under the provisions of sub-section (1) shall be executed by the Amildar on behalf of the holder or the occupier, as the case may be, and the lessee shall be liable to pay the rent specified in sub-section (1) to the person on whose behalf the lease is executed at the time and in the manner provided for in the lease.

(3) Subject to the provisions of section 7 every such lease shall be valid and take effect according to its terms, notwithstanding anything to the contrary contained in any rule of law, statute or enactment for the time being in force.

Cancellation of the lease.

7. Where the person to whom a lease has been granted under section 6 fails for any reason to cultivate the land so leased to him or uses the land for a purpose other than the purpose for which it was leased out to him, the Amildar may cancel the lease and grant a fresh lease to any other person on such terms and conditions as he thinks fit and the person whose lease is cancelled under this section shall forfeit all rights under his lease and shall also be liable to pay such sum by way of damages as may be determined by the Amildar in each case. The sum so determined as damages shall be recoverable as an arrear of land revenue.

602

8. Every notice under this Act shall be served in the manner provided in section 199 of the Mysore Land Revenue Code, 1888. Service of notices.

9. All persons exercising any power under any of the provisions of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860. Persons acting under the Act to be deemed public servants.

10. (1) No civil court shall have jurisdiction to deal with any question which is by or under this Act required to be dealt with by the Amildar. Bar of jurisdiction.

(2) No order of the Amildar under this Act shall be questioned in any civil or criminal court.

11. No suit, prosecution or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act. Indemnity.

12. The State Government may make such rules as may be found necessary from time to time for carrying out the purposes of this Act and rules so made shall be published in the *Mysore Gazette* and upon such publication shall have effect as if enacted in this Act. Rules.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.